



March 28, 2014

Dennis J. McLerran  
Regional Administrator  
U.S. Environmental Protection Agency, Region 10  
1200 Sixth Avenue, Suite 900  
Seattle, WA 98101-3140

Dear Dennis:

Thank you for meeting with me on Tuesday. I appreciate your time and the time of your staff.

It became apparent to me during our discussion yesterday that you may not yet have had time to read the various letters to the Inspector General (IG) requesting an investigation into activities associated with the preparation of the Bristol Bay Assessment. I have attached copies of three letters submitted by Northern Dynasty Minerals and a letter from the Attorney of General of Alaska. I have not enclosed the voluminous exhibits, but would be pleased to forward them if you would like.

In my view these letters document an extensive undertaking by EPA staff, in collusion with certain known Pebble opponents, to kill the Pebble project beginning as far back as September 2008 and continuing. These documents reflect, as does the FY 2011 budget document I showed you which was prepared at some point in 2010, that some at EPA had made a decision to veto Pebble before the first draft of the watershed assessment was completed. I also believe that the documents referenced in the IG letters show that some EPA employees manipulated the Watershed assessment process to guarantee that predetermined result. Just one example of many – how can you possibly do a study of a watershed and not use \$150 million worth of environmental baseline data from that very watershed--in other words, not use in any meaningful way the single most relevant data available?

The views your staff expressed in our meeting that the attached letters reflect only minor concerns involving low level staff simply fall flat when subjected to public scrutiny.

My purpose in raising the IG letters, however, and in requesting that you personally read them, is not to persuade you of everything that is stated in them. I completely understand that we may, in good faith, have different views on these issues. But what I hope to convince you of is that it is this precise situation – where developers, environmental organizations, other stakeholders, and EPA have very different views on the science – that caused Congress to enact

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the Environmental Impact Statement (EIS) provisions of the National Environmental Policy Act (NEPA). The EIS process is uniformly heralded by the environmental community as the best way to resolve such differences. It has been relied upon in every single prior situation similar to this proposed mine project since the passage of the statute.

The IG letters clearly demonstrate that the rigor and transparency of an EIS is especially important when reasonable questions have been raised about the impartiality and integrity of any substitute process, such as what we have experienced with the preparation of the watershed assessment. This is true, in my opinion, even when the agency may strongly disagree with any and all suggestions of impartiality. An EIS process provides not only impartiality, but also a clear public perception of impartiality.

For this reason, I renew my request that EPA voluntarily toll the running of time deadlines in the recently initiated pre-permitting 404c process until we submit an application for a 404 permit and until an EIS has been completed. I also want to stress that no environmental harm whatsoever will be caused to the watershed should you decide to accede to my request. There is simply no harm in waiting to give Pebble the same fair process every other developer of a significant project in America has received under the Clean Water Act.

I very much appreciated your assurances and those of the two lawyers on your staff who supervised the document productions in response to our FOIA requests that none of you are aware of any missing document issues involving Phil North. We raise this issue because of obvious gaps in the document production. We did not receive any Phil North documents from January through July 2009 nor October 2009 to May of 2010. Moreover, on closer examination it appears that the documents we received involving Phil North between these two periods were all documents from a source other than Phil North. It appears to us that a large number of documents originating from Phil North are missing.

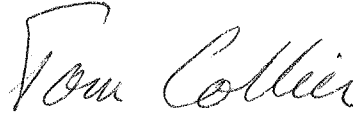
Lastly, I want to emphasize my concerns about the issue of fairness and due process in dealing with this project. The IG letters paint a picture of great concern to me, our employees and partners, the state of Alaska, Alaska village and regional corporations, Alaska business and trade organizations, and many throughout the business and investment community in our country. Between all of our partners, we have invested over \$780 million dollars in the pre-permit application work on this project including the thorough environmental studies program noted above. To deny us fair process given this extensive investment will have a chilling effect on the national and international business community. We have stated throughout our engagement with you that the EPA has an important and appropriate role to play in thoroughly evaluating our project. Our request is really quite simple – let the thorough, science based, objective and transparent NEPA process work for us. Anything less, frankly, does a disservice to supporters and detractors of this project.

Again, thank you for meeting with me this week and for the frank discussion we were able to have.

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Sincerely,

A handwritten signature in cursive script that reads "Tom Collier". The signature is written in black ink and is positioned above the printed name and title.

Tom Collier  
CEO